

Message Text

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ACTION EB-11

INFO OCT-01 IO-14 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-11

L-03 NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03 SS-20

AF-10 ARA-16 EA-11 EUR-25 NEA-14 FRB-03 OMB-01 TAR-02

SWF-02 AGR-20 AID-20 COME-00 LAB-06 OIC-04 SIL-01

STR-08 TRSE-00 CIEP-02 CEA-02 NSF-04 SCI-06 USIE-00

INRE-00 NSCE-00 SSO-00 DRC-01 /244 W
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FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 7225

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UNCLAS SECTION 1 OF 2 GENEVA 4639

PASS EB/CBA/BP-WINTER AND EB/OIT/GCP--BLACK

PASS PATENT OFFICIE-COMMISSIONER OF PATENTS AND
KIRK OFFICE OF LIGISLATION AND INTERNATIONAL AFFAIRS

E.O. 11652: N/A

TAGS: EIND, UNCTAD

SUBJ: DRAFT RESOLUTION ON REVISION OF THE
PARIS CONVENTION IN INUDSTIRAL PROPERTY

THE FOLLOWING DRAFT RESOLUTION DESIGNATED L-16 WAS
INTRODUCED BY SRI LANKA ON BEHALF OF THE GROUP OF 77
AT THE UNCTAD IGG MEETING

QUOTE

RECOGNIZING THE IMPORTANCE OF THE TRANSFER OF
TECHNOLOGY, INCLUDING PATENTED AND NON-PATENTED
TECHNOLOGY, IN FULFILLING THE DEVELOPMENT OBJECTIVES
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OF THE DEVELOPING COUNTRIES AND ITS ROLE IN THE IMPLE-

MENTATION OF THE RELEVANT PROVISIONS OF THE INTERNATIONAL
DEVELOPMENT STRATEGY FOR THE SECOND UNITED NATIONS
DEVELOPMENT DECADE;

RECALLING RESOLUTION 39(III), PARTICULARLY ITS
PARAGRAPH 10, REQUESTING A STUDY BRINGING UP TO DATE
THE REPORT BY THE SECRETARY-GENERAL OF THE UNITED
NATIONS ON "THE ROLE OF PATENTS IN THE TRANSFER OF
TECHNOLOGY TO THE DEVELOPING COUNTRIES", DEVOTING
SPECIAL CONSIDERATION TO THE ROLE OF THE INTERNATIONAL
PATENT SYSTEM IN SUCH TRANSFER, WITH A VIEW TO PROVIDING
A BETTER UNDERSTANDING OF THIS ROLE IN THE CONTEXT OF
A FUTURE REVISION OF THE SYSTEM;

WELCOMING THE REPORT BY THE UNCTAD AD HOC GROUP OF
EXPERTS ON RESTRICTIVE BUSINESS PRACTICES IN RELATION
TO THE TRADE AND DEVELOPMENT OF DEVELOPING COUNTRIES
(SEE TD/B/.2/119);

NOTING FURTHER THE REPORT OF THE GROUP OF EMINENT
PERSONS TO STUDY THE ROLE OF MULTINATIONAL CORPORATIONS
ON DEVELOPMENT AND ON INTERNATIONAL RELATIONS RECOMMENDING
INTERNATIONAL ORGANIZATIONS TO ENGAGE IN AN EFFORT TO
REVISE THE PATENT SYSTEM (SEE UNITED NATIONS, ECONOMIC
AND SOCIAL COUNCIL, THE IMPACT OF MULTINATIONAL
CORPORATIONS ON THE DEVELOPMENT PROCESS AND ON
INTERNATIONAL RELATIONS, (E/550/ADD.1-PART I-PAGE 57);

NOTING THE RECOMMENDATION OF THE COUNCIL OF
OECD OF 22 JANUARY 1974, CONCERNING ACTION AGAINST
ABUSIVE PRACTICES RELATING TO THE USE OF PATENTS;

BEARING IN MIND THE IMPORTANCE OF ADOPTING MEASURES
TO DEAL WITH THE WHOLE RANGE OF COMPLEX QUESTIONS
CONNECTED WITH DIFFERENT POLICIES REGARDING FOREIGN
INVESTMENTS, FOREIGN CURRENCY CONTROLS, RESTRICTIVE
BUSINESS PRACTICES, TRANSFER OF TECHNOLOGY AND PATENTS
WITH A VIEW TO ATTAINING NATIONAL DEVELOPMENT OBJECTIVES;

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NOTING WITH APPRECIATION THE REPORT PREPARED JOINT-
LY BY THE UNITED NATIONS DEPARTMENT OF ECONOMIC AND
SOCIAL AFFAIRS, THE UNCTAD SECRETARIAT AND THE INTER-
NATIONAL BUREAU OF THE WORLD INTELLECTUAL PROPERTY
ORGANIZATION (WIPO) FOR THE SUBSTANTIVE (THIRD)
SESSION OF THE INTERGOVERNMENTAL GROUP ENTITLED THE
ROLE OF THE PATENT SYSTEM IN THE TRANSFER OF TECHNOLOGY
TO DEVELOPING COUNTRIES;

1. REQUESTS THE SECRETARY-GENERAL OF UNCTAD TO CONVENE AS EARLY AS POSSIBLE IN 1975 A GROUP OF EXPERTS TO CONSIDER THE MAIN LINES OF REVISION OF THE PATENT SYSTEM AT THE NATIONAL AND INTERNATIONAL LEVELS, AND MAKE RECOMMENDATIONS THEREON;

2. RECOMMENDS THAT THE GROUP CONSIST OF 18 EXPERTS TO BE NOMINATED BY THE SECRETARY-GENERAL OF UNCTAD, TAKING INTO ACCOUNT EQUITABLE GEOGRAPHICAL DISTRIBUTION;

3. DECIDES THAT THE TERMS OF REFERENCE OF THE GROUP OF EXPERTS SHALL INCLUDE THE FOLLOWING, BEARING IN MIND THAT THE WORK SHALL BE CARRIED OUT IN THE CONTEXT OF MAKING PATENT LAWS AND PRACTICES CAPABLE OF EFFECTIVELY COMPLEMENTING OTHER INSTRUMENTS OF POLICY FOR NATIONAL DEVELOPMENT, FACILITATING THE TRANSFER OF FOREIGN TECHNOLOGY AND IMPROVING THE SCIENTIFIC AND TECHNOLOGICAL INFRASTRUCTURE OF DEVELOPING COUNTRIES, AND TAKING INTO ACCOUNT THE COMPETENCE OF UNCTAD IN THE ECONOMIC, COMMERCIAL AND DEVELOPMENT ASPECTS OF THE PATENT SYSTEM:

(A) THE IMPORTANCE OF UTILIZING THE INTERNATIONAL PATENT SYSTEMS AS EFFECTIVE INSTRUMENTS OF POLICY FOR NATIONAL DEVELOPMENT;

(B) THE NEED TO TAKE INTO ACCOUNT IN ANY REVISION OF THE PATENT SYSTEM THE PROMOTION OF NATIONAL SCIENTIFIC AND TECHNOLOGICAL CAPABILITIES OF DEVELOPING COUNTRIES AND THE IMPROVEMENT OF THEIR ACCESS TO TECHNOLOGY ON PREFERENTIAL BASIS;

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(C) THE EVALUATION OF THE TYPE OF INDUSTRIAL PROPERTY SYSTEM OR ANY OTHER SYSTEM WHICH MIGHT BE NEEDED BY DEVELOPING COUNTRIES FOR IMPROVING THEIR NATIONAL SCIENTIFIC AND TECHNOLOGICAL INFRASTRUCTURE TAKING INTO ACCOUNT THEIR DIFFERENT STAGES OF INDUSTRIALIZATION;

(D) THE CONCRETE LINES FOR REVISION OF NATIONAL PATENT LAWS AND POLICIES, INCLUDING INTER ALIA, THE FOLLOWING ASPECTS: TREATMENT OF NATIONALS AND FOREIGNERS; INDEPENDENCE OF PATENTS, RIGHTS CONFERRED BY A PATENT AND THE EXTENSION OF THE PATENT MONOPOLY; POLICIES CONCERNING SUBJECTS OF PATENTABILITY; DURATION OF PATENT GRANTS; ADEQUATE AND EFFECTIVE PROVISIONS TO PREVENT AND CORRECT THE ABUSES RESULTING FROM THE EXER-

CISE OF THE RIGHTS CONFERRED BY THE PATENT; USING PATENT
FEES AS A FLEXIBLE INSTRUMENT OF PATENT POLICY; INTRO-
DUCTION OF INVENTOR'S CERTIFICATES, UTILITY MODELS AND
OTHER RELEVANT MEANS FOR PROMOTING NATIONAL SCIENTIFIC
AND TECHNOLOGICAL CAPABILITIES;

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ACTION EB-11

INFO OCT-01 IO-14 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-11

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TO SECSTATE WASHDC IMMEDIATE 7226

INFO USMISSION USUN NY

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(E) THE CONCRETE LINES FOR REVISION OF THE INTER-
NATIONAL CONVENTIONS ON INDUSTRIAL PROPERTY RIGHTS,
INCLUDING, INTER ALIA, ASPECTS DEALING WITH NATIONAL
TREATMENT, RIGHT OF PRIORITY, INDEPENDENCE OF
PATENTS, AND REMEDIES FOR PREVENTING ABUSES RESULTING
FROM THE EXERCISE OF THE EXCLUSIVE RIGHTS CONFERRED
BY THE PATENT;

(F) THE PROMOTION OF NEW INTERNATIONAL INSTRUMENTS
SUITED TO THE NEEDS OF DEVELOPING COUNTRIES AND DEvised
TO FACILITATE ACCESS TO TECHNOLOGY ON PREFERENTIAL
BASIS;

(G) THE RELEVANCE AND EFFECTS OF NATIONAL INTER-

NATIONAL REGULATIONS COVERING OTHER ASPECTS OF INDUSTRIAL PROPERTY RIGHTS, SUCH AS UTILITY MODELS, INDUSTRIAL DESIGNS, TRADEMARKS, SERVICE MARKS, TRADE NAMES, INDICATIONS OF SOURCE OR APPELLATION OF ORIGIN;

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(H) IN CARRYING OUT ITS STUDIES AND SUBMITTING ITS RECOMMENDATIONS, THE GROUP OF EXPERTS SHALL GIVE SPECIAL CONSIDERATION TO THE POSITION OF THE LEAST DEVELOPED AMONG THE DEVELOPING COUNTRIES.

5. REQUESTS THE SECRETARY-GENERAL OF UNCTAD TO PREPARE IN CONSULTATION WITH RELEVANT UNITED NATIONS BODIES AND WORLD INTELLECTUAL PROPERTY ORGANIZATION THE NECESSARY BACKGROUND PAPERS AND STUDIES TO FACILITATE THE WORK OF THE EXPERT GROUP, USING CONSULTANTS WHEN THIS IS CONSIDERED NECESSARY, AND TAKING INTO ACCOUNT ALL PERTINENT MATERIAL ON THE SUBJECT.

6. REQUESTS FURTHER (THE COMMITTEE ON TRANSFER OF TECHNOLOGY) TO CONSIDER THE EXPERT GROUP'S REPORT AND RECOMMEND APPROPRIATE ACTION AT THE NATIONAL AND INTERNATIONAL LEVELS ON THE MAIN LINES OF REVISION OF THE PATENT SYSTEM.

THE ABOVE RESOLUTION MAY BE DISCUSSED AT THE MONDAY, JULY 22, SESSION OF THE INTERGOVERNMENTAL GROUP.DALE

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